

REMARKS

Claims 59 through 65 and 68 through 78 are pending. Claims 59 and 70 have been amended to better define the invention. Claims 68 and 77 are withdrawn, without prejudice, as directed to an unselected species shown in FIG. 4.

Rejection under 35 U.S.C. § 112

Claims were rejected under 35 U.S.C. § 112, first and second paragraphs. The following explanations are directed toward now pending Claims 59-65 and 68-78, as appropriate.

The preamble of independent Claim 59, as amended, recites the term “system” and the body of the claim recites at least some of the components of the system. These include a nozzle, at least one strut, and orifices arrayed in the strut. Accordingly, Applicant submits that the rejection is overcome.

Claim 59 has also been amended to delete the “configured such that” language to which Examiner has indicated he assigns no weight. The deletion does not surrender this subject matter, but is merely to remove superfluous language to which Examiner gives no weight. Systems having this feature are covered by the scope of the present claims.

Also, Claim 59 has been clarified to indicate that the nozzle has an area for gas flow defined by a pair of opposed curved walls. The inlet is defined by the (same) pair of opposed curved walls. The throat has a sharp corner defined by convergence of the opposed curved walls. The exit portion of the nozzle has divergently extending portions of the (same) pair of opposed curved walls. The (same) divergently extending portions of the walls terminate at a nozzle exit end. Applicant believes that the claim language is now both clear and definite.

Claim 70 has been amended to clarify that it relates to a system that has at least a nozzle, at least one strut, and orifices arrayed along the strut.

Applicant has amended dependent Claims 60 and 71 to remove the term “near” and to substitute the term “proximate” that Applicant believes is “definite” for purposes 35 USC § 112.

Applicant has corrected the antecedent basis issue in Claims 60 and 74.

In view of these amendments, the rejections under 35 U.S.C. § 112 are submitted to be overcome.

Rejections under 35 U.S.C. § 102

The pending claims stand rejected under 35 U.S.C. § 102 as anticipated by Pinsley. In order to anticipate, the reference must show each and every element of the claim asserted to be anticipated. MPEP § 2131. Examiner *admits* that iodine injection through a strut is not shown in Pinsley. Accordingly, there is no anticipation.

In addition, amended Claim 59 now recites a curved strut with orifices arrayed along surfaces of the strut. Such a curved strut is not present in Pinsley. The orifices of the curved strut each inject iodine at a tangent to the curvature of the strut at the location of the orifice. Injection at a tangent to the curvature has effects with respect to injected gas distribution into the flow pattern of other gas flowing through the nozzle. This feature and orientation of the orifices is shown in the drawings of this Application, but is neither taught nor suggested in Pinsley, which provides no motivation to use such a structural feature. Similarly, Claim 70 also includes orifices that each injects iodine at a tangent to the curvature of the strut at the location of the orifice. Accordingly, Pinsley cannot anticipate or render obvious the subject matter of Claim 59, or Claim 70, or any of their dependent Claims.

Thus, in addition to failing to disclose the claimed structural elements of the claimed invention, Pinsley does not motivate, teach or suggest the structure recited in independent Claims 59 and 70 and each of their respective dependent Claims. Therefore, it is respectfully submitted that it cannot anticipate nor render obvious the claimed subject matter.

Unlected Species Claims

Applicant believes that the Claims, as presented, are patentably distinct from any prior art cited and should be allowed to issue. Applicant notes the prior restriction in this application mailed on October 19, 2005. Applicant believes that allowance of Claims 59 and 70 in particular should require the allowance of claims to unlected species, represented by Claims 68 and 77, that are fully supported in the specification and that include additional subject matter relative to their respective independent Claims.

Conclusion

Applicant does not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper, to Deposit Account 50-2180 of Storm LLP.

Should Examiner require any further clarification to place this Application in condition for allowance, Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

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